

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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October 22, 2014

Refer To: IP-NO-2014-16-00294

Mr. Mark Schroeder
Douglas County Forestry Department
9182 East Huges Avenue
P.O. Box 211
Solon Springs, Wisconsin 54873

Subject: Plan Approval For Reconstruction of Mooney Dam, Douglas County, T44N-R10W-Sec 36

**BEFORE THE
DEPARTMENT OF NATURAL RESOURCES**

IN THE MATTER of Plan Approval for
Reconstruction of Mooney Dam, Douglas County.

) IP-NO-2014-16-00294
) Plan Approval for Reconstruction

FINDINGS OF FACT

- 1 - The Department of Natural Resources has reviewed the reconstruction plans, entitled "DOUGLAS COUNTY, WISCONSIN CONSTRUCTION PLANS FOR MOONEY DAM REPAIRS EAU CLAIRE RIVER AT LOWER EAU CLAIRE LAKE DNR FIELD FILE NO. 16.13"
- 2 - The Plans are dated 01/10/2014, and were time stamped in Spooner as being received on Jan 21, 2014.
- 3 - The plans were designed and submitted by registered engineers from Short Elliot and Hendrickson Inc..
- 4 - The plans include the reconstruction of Mooney Dam in Douglas County.
- 5 - The Department's data base indicates Mooney Dam has an assigned low hazard rating.
- 6 - Mooney Dam is classified as a large dam.
- 7 - The Department's plan approval for the reconstruction includes authorization for the coffer dams included with the plans.

CONCLUSIONS OF LAW

- 1 - The Department has determined the project complies with Chapter 31 and Chapter 30 Wisconsin State Statutes.

APPROVAL

The Department is approving the reconstruction plans, entitled "DOUGLAS COUNTY, WISCONSIN CONSTRUCTION PLANS FOR MOONEY DAM REPAIRS EAU CLAIRE RIVER AT LOWER EAU CLAIRE LAKE DNR FIELD FILE NO. 16.13", and dated 01/10/2014. The plan approval is based on the following conditions.

- 1 - The reconstruction is completed by November 23, 2017.

- 2 - The repairs of the dam is done in accordance with the approved plans.
- 3 - Any change to the plans must be submitted by an Engineer registered in the State of Wisconsin and receive appropriate Departmental approval, before the change is initiated.
- 4 - The repairs are done under the supervision of an engineer registered in the State of Wisconsin.
- 5 - Any activities involved with the construction must be in compliance with any applicable local, County, State or Federal law.
- 6 - During the construction process, any portion of the project under repair must be protected from overtopping from a 10 year flood event, at the minimum.
- 7 - Appropriate and effective erosion controls must in place during and after the project.
- 8 - All concrete and other waste products are removed from the site and disposed of in compliance with any applicable regulations.
- 9 - This office and the Superior Water Management Specialist are directly contacted one week before the repair commences, and immediately when the repair is completed.
- 10 - Worker safety is a primary consideration during the project, and no workers shall be subjected to an undue amount of risk.
- 11 - The site will be monitored for erosion problems for a period of 2 years, after the project is complete. Any Erosion concerns shall be remedied in a prompt manner.
- 12 - The embankments are maintained to prevent the growth of brush and trees in the future.
- 13 - Any waste material from concrete or steel preparation may not enter the waterway.
- 14 - The boat ramp on the south side of the dam shall be open at the end of each work day, and during weekends.
- 15 - When the public boat ramp is open, the rest of construction site shall be clearly marked to keep the public off anywhere on the project site but the boat ramp.
- 16 - The dam's Emergency Action Plan (EAP) and Inspection ,Operation and Maintenance Plan (IOMP) are Updated based on the applicable portions of the Departments model plans, and submitted to this office.
- 17 - All materials/objects deleterious to the waterway must be removed from behind the coffer dams at the end of the work day. This includes any power equipment.
- 18 - No concrete is poured during freezing conditions.
- 19 - **Douglas County participates in any future Departmentally held meetings to consider establishing fish passage through the Eau Claire River chain of lakes.**
- 20 - **Any proposed future reconstruction of the Mooney dam spillway analyzes and considers fish passage.**
- 21 - The following statement concerning Section 31.12 (4) Statutes is complied with.

Section 31.12 (4), Statutes, requires a verified statement to be filed with the Department within ten days after the completion of the reconstruction stating that the Dam was reconstructed in accordance with the plans approved by the Department.

NOTICE OF APPEAL RIGHTS

If you believe that you have the right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Departmental decisions must be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Wis. Stats., you have 30 days after the decision is mailed or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department

of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30 day period for filing a petition for judicial review.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

For the Secretary

By: *Frank m Dallam*

Frank Dallam

Water Regulation and Zoning engineer

This decision was mailed on 10/23/2014.

Please contact this office directly with any questions concerning the Department's review of the plan

cc.

William Sturtevant, P.E.

Steve LaValley

Brad T. Woznak, P.E.

Scott Toshner

WT/3

Superior

SEH

Brule